

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAULA DISBERRY,

Plaintiff,

v.

EMPLOYEE RELATIONS COMMITTEE OF
THE COLGATE-PALMOLIVE COMPANY,
ALIGHT SOLUTIONS, LLC, AND THE BANK
OF NEW YORK MELLON CORPORATION,

Defendants.

Case No. 22-CV-5778 (CM) (OTW)

Hon. Colleen McMahon

**DECLARATION OF JEFFREY K. BARRY IN SUPPORT
OF ALIGHT SOLUTION LLC'S MOTION TO DISMISS**

I, Jeffrey K. Barry, state as follows under penalty of perjury:

1. I am Director of Investigations at Alight Solution LLC ("Alight"), one of the defendants in this case. I submit this declaration in support of Alight's motion to dismiss.

2. In my current role, my responsibilities include leading and participating in internal investigations and informing leadership on allegations of misconduct. Accordingly, I have personal knowledge of investigations and records created or maintained related to investigations.

3. In the course of conducting such investigations, I am also required to obtain, review, and become familiar with other materials that relate to Alight's provision of services to third parties.

4. I reviewed the complaint in the above-captioned matter as well as records regarding Plaintiff Disberry.

5. Plaintiff Disberry is a former employee of the Colgate-Palmolive Company (“Colgate-Palmolive”) and is a participant in the Colgate-Palmolive Company Employees Savings and Investment Plan (the “Plan”).

6. Colgate-Palmolive, the Plan’s sponsor, contracted with Defendant Alight Solutions LLC (“Alight”) to provide certain specified services to the Plan. At the time the contract was executed, Alight was known as and doing business as Hewitt Associates LLC. A true and correct copy of excerpts of the Master Services Agreement is attached as Exhibit A. Portions of the agreement not related to the matters at issue in this suit, including confidential business terms such as pricing, are not included in Exhibit A.

7. On September 14, 2020, a Colgate-Palmolive representative emailed Alight and informed Alight that a customer identified as Paula Disberry reported a fraudulent distribution from her retirement account. Alight investigated Plaintiff Disberry’s claims. A true and correct copy of the Alight Report of Investigation is attached as Exhibit B.

8. The attached exhibits have been redacted as necessary for privacy pursuant to Federal Rule of Civil Procedure 5.2.

I certify under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: September 15, 2022



Jeffrey K. Barry